

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Judith Le	Team: Squad #2	CCRB Case #: 201708994	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 09/20/2017 6:42 PM	Location of Incident: Rivington Street and Chrystie Street (Sara Roosevelt Park)	Precinct: 05	18 Mo. SOL 3/20/2019	EO SOL 3/20/2019	
Date/Time CV Reported Mon, 10/30/2017 2:46 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 10/30/2017 2:46 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Anthony Mangano	1416	950815	NARCBMS
2. LT Fabian Sanchez	00000	932211	NARCBMS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Cleavens Duchatelier	2748	933761	NARCBMS
2. DT3 Benjamin Lopez	2531	953007	NARCBMS

Officer(s)	Allegation	Investigator Recommendation
A.LT Fabian Sanchez	Abuse: Lieutenant Fabian Sanchez stopped § 87(2)(b)	
B.DT3 Anthony Mangano	Force: Detective Anthony Mangano used physical force against § 87(2)(b)	
C.DT3 Anthony Mangano	Abuse: Detective Anthony Mangano threatened § 87(2)(b) with the use of force.	

Case Summary

On October 30, 2017, § 87(2)(b) filed a complaint online on the CCRB website via Correspondence #1-1-1480748689.

On September 20, 2017 at approximately 6:42 p.m., § 87(2)(b) was in Sara Roosevelt Park on Rivington Street and Chrystie Street in Manhattan, when an elderly man approached him and asked for marijuana, which § 87(2)(b) provided, free of charge. Shortly thereafter, he was stopped by Lieutenant Fabian Sanchez (**Allegation A: Abuse of Authority – Stop**, § 87(2)(g) and Detective Anthony Mangano of Narcotics Borough Manhattan South, § 87(2)(b) believed he was getting mugged, and began to swing his arms. In response, Detective Mangano punched him in the mouth (**Allegation B: Force – Physical force**, § 87(2)(g). As § 87(2)(b) was being handcuffed, he begged the officers not to arrest him. Detective Mangano allegedly replied, “If you don’t shut up, I’m going to break your arm (**Allegation C: Abuse of Authority – Threat of force (verbal or physical)**, § 87(2)(g). § 87(2)(b) was subsequently arrested and charged with resisting arrest, criminal sale of marijuana in the 4th degree, criminal possession of a weapon in the fourth degree, and unlawful possession of marijuana (**Board Review #1**).

No video footage capturing the incident was found.

Findings and Recommendations

Allegation (A) Abuse of Authority: Lieutenant Fabian Sanchez stopped § 87(2)(b)

§ 87(2)(b) provided a phone statement on December 20, 2017 (**Board Review #2**). He was interviewed at the CCRB on February 23, 2018. Lieutenant Sanchez was interviewed at the CCRB on April 12, 2018. Detective Mangano was interviewed at the CCRB on May 17, 2018.

It is in undisputed that while in § 87(2)(b), § 87(2)(b) was approached by an unknown male, who asked him if he had any marijuana. § 87(2)(b) who had marijuana, gave some to the man. Shortly thereafter, Lieutenant Sanchez instructed Detective Mangano to stop them.

§ 87(2)(b) stated that he was running errands for his job at a wine store when he stopped to check his phone in § 87(2)(b). § 87(2)(b)'s bike was against a fence, and he was looking at his phone when he was approached by an unknown male who asked him if he had any marijuana. § 87(2)(b) thought the male looked sickly, so he gave him, without charge, half a “pinky’s” worth of marijuana from a small bag, which he had on him for personal use. § 87(2)(b) did not ask the man for money or accept a cash payment. § 87(2)(b) was in the process of getting back on his bicycle to go back to work when Detective Mangano grabbed him from the side and tackled him to the ground.

§ 87(2)(e), § 87(2)(f)

§ 87(2)(b). Shortly thereafter, Lieutenant Sanchez observed, from 40 to 50 feet away, § 87(2)(b) engage in a hand-to-hand transaction with a black male.

Lieutenant Sanchez saw an exchange of money, which looked like US currency. The US currency was provided to § 87(2)(b) who then provided a small object. Lieutenant Sanchez did not know the denomination of the currency, as he was standing too far away. He could not recall what § 87(2)(b) did with the currency. Lieutenant Sanchez could not provide any additional description of the object, but believed, based on his several years of experience, that it was indicative of a narcotic because of the hand-to-hand transaction and the fact that it was a known narcotics location. Detective Mangano was standing nearby, and Lieutenant Sanchez told him what he observed. Lieutenant Sanchez decided to stop the individuals.

§ 87(2)(e), § 87(2)(f)

Detective Mangano stated that he was on the phone when Lieutenant Sanchez informed him that he had observed a hand-to-hand transaction. Detective Mangano did not see the transaction. Lieutenant Sanchez instructed Detective Mangano to “grab the guy on the bike.”

The Criminal Court Complaint (**Board Review #4**) submitted by Detective Mangano states: “I am informed by Lieutenant Fabian Sanchez of the Narcotics Borough Manhattan South that he observed the defendant engaged in a hand-to-hand transaction with an unapprehended individual on the sidewalk at the above location. I am aware that the above-location is a drug prone location based on my training and experience as a police officer in the Narcotics Borough Manhattan South as well as my previous experience making drug arrests in that area.”

In People v. Jones, 90 N.Y.2d 835 (1997), the court held that a single transaction, involving the exchange of currency for a small unidentified object in a drug-prone location, observed by an experienced officer trained in the investigation and detection of narcotics, was sufficient to establish probable cause that a drug transaction had taken place (**Board Review #5**).

§ 87(2)(b)

Allegation (B) Physical Force: Detective Anthony Mangano used physical force against

§ 87(2)(b)

Allegation (C) Abuse of Authority: Detective Anthony Mangano threatened § 87(2)(b) with the use of force.

It is undisputed that immediately after being stopped, § 87(2)(b) resisted arrest.

§ 87(2)(b) stated that after falling on the ground, Detective Mangano punched him in the face, causing his lip to bleed. § 87(2)(b) thought he was getting mugged. He noted that this was an area of town with many homeless people, and Detective Mangano did not say he was an officer, issue any instructions, or show his shield. § 87(2)(b) became upset and “fought” back, explaining that he “stiffened up” and “swelled up” his body. He did not throw any punches, but became stiff. As they were scuffling on the ground, Detective Mangano told § 87(2)(b) he was a police officer. § 87(2)(b) replied, “You didn’t tell me you’re a cop,” and tried to be more compliant. Detective Mangano then pulled up § 87(2)(b) wrestled his arm behind his back, pushed him against the fence and handcuffed him. § 87(2)(b) tried to explain to Detective Mangano that he had to go back to work, and began to scream and beg the officers to let him go back to work, because the wine store was not going to know where he was. Detective Mangano told § 87(2)(b) that if he did not shut up, Detective Mangano was going to “break his arm.” § 87(2)(b) complied and was taken to the stationhouse. A photograph was taken for TRI § 87(2)(b) of § 87(2)(b)’s swollen lip, which he sustained after being punched by Detective Mangano (**Board Review #8**). § 87(2)(b) declined medical attention.

Detective Mangano stated that after receiving instructions to stop the individual on the bicycle, he looked up and saw § 87(2)(b) about 20 to 30 feet away, biking towards him. § 87(2)(b) began to turn left when Detective Mangano yelled, “Police,” and began walking towards him. § 87(2)(b) tried to bike away. In response, Detective Mangano began to run and upon reaching § 87(2)(b) pushed him on his torso against a fence. § 87(2)(b)’s body was against the fence and the bike was between his legs. § 87(2)(b) attempted to swing at Detective Mangano’s face with his right hand. Detective used his left arm to block his face, and felt § 87(2)(b) hit his arm. Detective Mangano then punched § 87(2)(b) in the mouth. He stated that he did not give § 87(2)(b) a warning prior to striking him, “Because you don’t get a warning when you a punch a cop in the face.”

Lieutenant Sanchez then came over to assist Detective Mangano. They were both able to get § 87(2)(b) off the bicycle and bring him down to the ground. After a few seconds, the officers handcuffed § 87(2)(b). During this time, § 87(2)(b) began yelling, “You don’t know what you’ve done!” Detective Mangano did not remember if he responded to § 87(2)(b). He did not make any threats of force against § 87(2)(b) saying, “I didn’t need to threaten. I already used force.”

§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
Defendant did attempt to flee on a bicycle. Once stopped by officers, defendant did resist arrest by flailing his arms, and attempting to strike officers about the face and head. Defendant was found to be in possession of marijuana and a knife which opens using centrifugal force. Defendant has no warrants or I-Cards. Leads online negative.”

TRI § 87(2)(b) (**Board Review #6**) submitted by Detective Mangano states § 87(2)(b) used force against officers in the form of hand strikes, wrestling/grappling, and pushing/shoving. Force used by Detective Mangano was listed as hand strike and forcible takedown in defense of

self, a fleeing suspect, and subject armed with weapon. § 87(2)(b) sustained minor swelling due to an intentional act by Detective Mangano.

The Criminal Court Complaint (**Board Review #4**) submitted by Detective Mangano states: “When I attempted to place the defendant under arrest for the above-described conduct, I observed the defendant flail his arms and body, attempt to pull his body away from me, and swing at my face with a closed fist. I observed that the above-described actions of the defendant made it difficult to handcuff him and to effectuate the arrest.”

Lieutenant Sanchez stated that he and Detective Mangano went to apprehend § 87(2)(b) who was in the process of mounting his bicycle and straddling it. Lieutenant Sanchez and Detective Mangano each grabbed one arm while simultaneously saying loudly and clearly, “Police. Don’t move.” § 87(2)(b) began resisting, and swung his arms around. At the time, § 87(2)(b) was still straddling the vehicle and his fists were balled up. Detective Mangano was trying to place § 87(2)(b) in handcuffs. § 87(2)(b) swung wildly and almost struck, but did not make contact, with Detective Mangano. Detective Mangano, without any sort of verbal warning, then punched § 87(2)(b)’s mouth with a closed fist. After being punched, § 87(2)(b) put his hands behind his back and was placed in handcuffs. Lieutenant Sanchez then notified the field team, who came in the prisoner van. While waiting for the van, § 87(2)(b) became combative. Lieutenant Sanchez could not remember what § 87(2)(b) was doing that made him combative, but noted that he did not hear Detective Mangano threaten § 87(2)(b) with force if he did not be quiet. Lieutenant Sanchez noted that § 87(2)(b) had swelling on his lip, but he refused medical treatment at the stationhouse.

Patrol Guide Section 221-01 states that Members of Service may use force to overcome resistance while effecting an arrest, but may only use the reasonable amount of force necessary to gain control or custody of a subject (**Board Review #7**).

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(g)

Civilian and Officer CCRB Histories

- Lieutenant Sanchez has been a member-of-service for fourteen years and has been a subject in seven complaints and eleven allegations, of which one was substantiated.
 - 201703749 involved a substantiated allegation of a stop against Lieutenant Sanchez. The Board recommended Charges and the NYPD has not yet imposed discipline.
 - § 87(2)(g)
- Detective Mangano has been a member-of-service for six years and has been a subject in seven complaints, and eleven allegations, none of which were substantiated. § 87(2)(g)
- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review #9**).

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- § 87(2)(b);§§ 86(1)(3)(4);§ 87(2)(c)
- As of May 11, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (**Board Review #11**).

Squad No.: 2

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date